

**GOVERNMENT OF ANDHRA PRADESH**  
**ABSTRACT**

Tribal Welfare Department – Appeal Petition filed by Smt. V. Chenchu Laxmi D/o Chenchaiyah, against the Proceedings of the Collector, SPS Nellore District – under section 7(2) of The Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act 1993 (AP Act No. 16/1993) – Appeal Petition allowed – Orders - Issued.

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**SOCIAL WELFARE (CV2) DEPARTMENT**

**G.O.MS.NO. 71**

Dated: 17.12.2011.  
Read the following.

1. From the District Collector, SPS Nellore Proceedings No. 8210/95, dated: 21.04.1997.
2. Appeal Petition from Smt.V. Chenchu lakshmi D/o V.Chenchaiyah through her advocate, dated 14.12.1997.
3. Govt. Memo No.3525/CV2/1995, SW(CV.2) Department dated 28.03.1998.
4. The District Collector, SPS Nellore, No. Rc. C4.3139/1997, dated 29-04-1998.
5. Govt. Letter No. 3525/CV.2/1995, SW(CV.2) Department, dated 27.06.1998.
6. Govt. Memo No.3525/CV2/1995, SW(CV.2) Department dated 05.07.2000.
7. From the District Collector, SPS Nellore, Lr. Rc. No. C4/3139/97, dated 29.07,2000.
8. Govt. Memo No.3525/CV2/1995, SW(CV.2) Department dated 14.08.2000.
9. The District Collector, Prakasam (Ongole ) No. Rc. C4/2521/1995, dated 29.02.2004.
10. Government Memo No. 3525/CV.2/1995, SW(CV.2) Department dated 12.10.2004.
11. From Smt. V. Chenchu Lakshmi letter dated 10.01.2005.
12. Government Memo No. 3525/CV.2/1995, SW(CV.2) Department dated 18.03.2005.
13. From Smt. Ch. Chenchu lakshmi Letter dated 30.05.2005.
14. Government Memo No. 3525/CV.2/1995, SW(CV.2) Department dated 27.07.2005.
15. Orders of the Hon'ble High Court in WP No. 21164/2009, dated 06.10.2009 filed by Smt. V. Chenchu Lakshmi.
16. The District Collector, SPS Nellore, No. D. Dis. (C5) 1297/2005 dated 13.05.2010.
17. Government Memo No. 3525/CV.2/1995, SW(CV.2) Department dated 28.03.2011.

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**ORDER:**

In the reference 1<sup>st</sup> read above the District Collector, SPS Nellore have issued orders for canceling Scheduled Tribe certificate obtained by Smt Chenchu Lakshmi D/o V.Chenchaiyah, APO, Nellore District from the then Tahasildar, Kovur.

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2. In the reference 2<sup>nd</sup> read above, Smt Chenchu Lakshmi has filed appeal petition before the Government against the orders of the District Collector, SPS Nellore. After examining the said Appeal Petition Government have admitted the appeal petition and in the reference 3<sup>rd</sup> read above issued stay orders on the proceedings of the District Collector, SPS Nellore and called for the parawise remarks and connected records from the District Collector, SPS Nellore.

3. In the reference 4<sup>th</sup> read above, the District Collector, SPS Nellore has furnished the parawise remarks.

4. In the reference 5<sup>th</sup> read above, the appeal Petitioner was requested to attend for personal hearing on 15.07.1998 before the Government.

5. in the reference 6<sup>th</sup> read above, the Collector Nellore was informed that Government have examined the Appeal Petition filed by Smt. V.Chenchu Lakshmi and decided to conduct a fresh enquiry in view of the facts brought out by the then Director, Tribal Welfare, AP, Hyderabad in his letter Rc. No. 239/89/TRI-VC-7, dated 13.10.1995 and he is requested to conduct a fresh enquiry and send his detailed report along with connected original records to Government.

6. In the reference 7<sup>th</sup> read above, the District Collector, Nellore has informed that during enquiry conducted by the then DTW, Hyderabad in his Letter dated 13.10.1995 it was proved that the appellant native place is not Nellore District, and she belongs to Cheerla and Vetapalam (V), Prakasam District and he has requested to issue direction to Collector, Prakasam to conduct fresh enquiry on the issue of Smt. V.Chenchu Lakshmi. In the reference 8<sup>th</sup> read above the District Collector, Prakasam was requested to conduct a fresh enquiry regarding the social status of Smt. V. Chenchu Lakshmi and send is detailed report to Government for finalizing the individual's social status.

7. In the reference 9<sup>th</sup> read above, the District Collector, Prakasam has stated that as per the report of MRO, Cheerla the parents of Smt. V. Chenchu Lakshmi does not belongs to Cheerla Mandal she has produced a copy of recordsheet barring No. 852, dated 16.07.1961 issued by the HM, Adivasula elementary School, Adinarayanapuram H/o Epurupalem Village Cheerla Mandal, the HM, Adivasula elementary School has stated that the original record pertaining to the year 1961 is not available and the records were available only for the year 1965, regarding her residence at bandavari street Cheerla no body have come forward to disclose her caste as she resided there while working as supervisor, IDCS, Vetapalem and he could not get any information regarding her caste near Ramnagar where she said to have studied from 1<sup>st</sup> to 5<sup>th</sup> class. There are people belongs to ST caste residing in Ramnagar, New colony, Adinarayanapuram and also the MRO, Cheerla did not find people from ST caste with surname 'Chenchu.' Further the District Collector, Prakasam has informed that as per the enquiry report of MRO, Cheerla, there is in sufficient information available in Cheerla Mandal to establish the caste of Smt. V.Chenchu Lakshmi as ST Yerukula as Cheerla was neither native place of her or her parents.

8. In the reference 10<sup>th</sup> read above, Smt. V. Chenchu Lakshmi was requested to furnish her community claim on the report furnished by the Director, Tribal Welfare, Hyderabad dated 13.10.1995. In the reference 11<sup>th</sup> read above, she has furnished insufficient report to Government. In the reference 12<sup>th</sup> read above, she was again requested to submit her

revised explanation on point to point basing on the points raised by the DTW, Hyderabad. In the reference 13<sup>th</sup> read above, she has furnished her explanation stating that she was born on 01.06.1956 at Ramathirtham (V) of Kovvuru, Nellore District. She was studied upto IV in the Elementary School at Ramateertham. Later on, she was studied from IV to VII class during 1968 -71 in the S.V.Upper Primary School at Alluru, Nellore District by residing in a Government aided hostel and her caste has been recorded in the said school as Yerukula and the Transfer Certificate issued by the head Master of that School is an ample proof for the same, and she has also stated that the DTW, Hyderabad in his report has recorded that she has studied from I class to V class in Government Elementary School at Vetapalem of Prakasam District and VI to VII class at Z.P.High School at Nidibrolu, Guntur District and through the entire enquiry proceedings are misdirected and enquired into the communities of a different person having the same name. Further she has stated that she was appeared for Matriculation examination by undergoing coaching in the condensed course for adult education by residing in the residential institution run by Nivedita Mahila Mandali, Vinukonda during 1977 to 1979. The parentage and kinship reported in the DTW, Hyderabad's report in para 3 and 4 are totally in correct and hence she deny the contents in the said report. In fact her parents belong to Yerukula community and they were roaming for livelihood, and her entire school record shows that she has been enrolled as ST candidate and fees concessions/scholarships were also granted to her, during her entire education career. Further she has stated that as per G.O.Ms. No 89, SW Department, dated 03.04.1989, if any person has been recorded as Harijan or Girijan throughout his/her school carrier he/she could be deemed to be a Harijan or Girijan and no further clarification is necessary. Hence, applying the said test also she belongs to Yerukala community which is included in the ST and there may not be any necessity to probe any fresh enquiry into the matter. She further stated that the DTW, Hyderabad has obtained a statement from the Head Master of Z.P.High School, Nidubrolu to the effect that she has not studied in that school during 1966 -69, and stated that she has never studied in the said school and the production of T.C. from that school is far from Veracity. Further she has stated that the contents in para 5(2) of the report of DTW are also denied as baseless and fabricated one. The court has already decided the impact of not recording the particulars of caste in the T.C. and therefore, it needs no further explanation. She has also submitted that the substantial question before the 1<sup>st</sup> class Addl. Judicial Magistrate, Kovur in C.C. No. 108/97 based on the complaint lodged solely in the report of the DTW, Hyderabad, the Hon'ble court has examined 17 prosecution witnesses and 16 documents and held that the prosecution failed to prove that her parents belong to reddy community and she has produced false community certificate to secure employments. The Revenue authorities are also deposed that the caste certificate issued by them also shows that she belongs to "Yerukula" community. She has also submitted that no enquiry or inquest can be made by the executive when once the judiciary has given findings on the same substantial question of fact based in the same material facts and documents.

9. In the reference 14<sup>th</sup> read above, the District Collector, Nellore was requested to re-enquiry on the caste status of Smt. V. Chenchu Lakshmi considering the points raised in her explanation dated 30.05.2005 and send a detailed report covering the points raised therein and also justifying the action of Collector, Nellore District in having cancelled the caste certificate of the individual, in case she did not belong to Nellore District it self, together with the relevant records to Government.

10 In the reference 15<sup>th</sup> read above, the Hon'ble High Court have passed

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the following orders in WP No. 21164/2009 dated 06.10.2009 filed by Smt. V. Chenchu Lakshmi against the action of the District Collector, SPS Nellore for canceling her caste status :

**“The respondent authorities shall conclude the Proceedings initiated against her and pass appropriate orders, in accordance with law, within a period of six months from the date of receipt of the orders, failing which the Proceedings dated: 21-04-1997 issued by the 2<sup>nd</sup> respondent, canceling the caste certificate shall stand cancelled”**

11. In the reference 16<sup>th</sup> read above, the District Collector, SPS Nellore in his report has stated that the RDO, Kavali in his enquiry report has noticed that Smt. V. Chenchu Lakshmi studied at Sri Vivekananda Upper Primary School, Allurpet Village, Allur Mandal is found as bogus. Sri.K.Venkaiah, the then Head Master of the above School has stated that on verification of records available in his school, the TC issued to Chenchulakshmi bearing SI.No.26078, Admission No.842, dated 12.4.1974 does not found place in the records. He has also stated that he has verified the signature in the TC and ascertained that the same appears to be similar to him, but the rubber stamp found in the TC is not tallied. He further stated that as per the school records, the Admn.No.842, for the year 1969-1970 was enrolled in the name of Basha Saheb, S/o Kalesha Sahib, whose date of admission is 7.7.1969 and whose date of Birth is 15.9.1963. The Head Master opined that for all the above reasons it is clear that the TC produced by Chenchulakshmi was bogus. The RDO, Kavali also reported that the inspector of CID PCR cell, Nellore zone has filed a criminal case against Smt.V.Chenchu Lakshmi in Cr.No.22/96. u/s 420 and 182 IPC and that Smt.V.Chenchu Lakshmi was found not guilty and she was acquitted vide order6 in CC No.108/97 dated 20.8.2001 of the AJM of 1<sup>st</sup> Class court, Kovur. However, the RDO, Kavali has reported that the above individuals does not belong to Yerukala (ST) community.

12. In the reference 17<sup>th</sup> read above, the appeal Petitioner was requested to attend, personal hearing on 06.04.2011 before the Government. The appellate authority was heard the case on 06.04.2011.

13. Government has examined the records and proceedings of the District Collector, SPS Nellore dated. 21.04.1997/enquiry report furnished by the District Collector, SPS Nellore, and instructions issued in the G.O.Ms. No 89, SW Department, dated 03.04.1989, grounds and written arguments / explanation based on the report of DTW letter dated 13.10.1995 furnished by the Appeal Petitioner, and having considered the arguments of either side and documentary evidences, and it is observed that the District Administration has not made a discreet enquiry on the caste status of Smt. V. Chenchu Lakshmi D/o V. Chenchiah, and also it is the constitutional right that though, an ST person marries a non-ST. one cannot forgo, the birth right/ legal right of claiming as ST. In the instant case, the Appellant, though ST married a non-ST(Reddy), the action of which cannot restrict her claim as ST. moreover, the case is pending unsettled way back from the year 1995. the directions of the Hon'ble High Court of AP, dated 06.10.2009 in WP No. 21164/2009, filed by the Appellant are also to be honoured, since the Appeal Petition could not disposed off within the time frame as directed by the Hon'ble Court.

14. Government after careful examination of all these authentic reasons stated supra and also in consideration of the G.O.Ms.No.89, SW Department, dt.03.04.1989/ the directions of the Hon'ble High Court of AP, dt.06.10.2009 in WP No.21164/2009 filed by Smt. V.Chenchu Lakshmi, in exercise of the powers conferred under section 7(2) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community certificates Act 1993 (Act No16 of 1993), hereby allowed the Appeal Petition  
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filed by Smt. V. Chenchu Lakshmi D/o V. Chenchaiyah. Hence as a natural consequence and to meet the ends of justice, the Proceedings of the District Collector, SPS Nellore issued in proceedings Roc. D. Dis. 8210/1995, dated 21.04.1997 canceling the ST Yerukula caste certificate is hereby set aside, by upholding the ST Yerukala community certificate obtained by Smt. V. Chenchu Lakshmi D/o V. Chenchaiyah from the then Tahsildar, Kovuur in No. 7927/1982, dated 04.10.1982 ( C. No. 2367/83 dated 14.06.1983 ) and Tahsildar, Nellore vide No. 3835/A/1981, dated 13.11.1981.

15. The District Collector, SPS Nellore shall take necessary action in the matter accordingly.

**(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)**

**Dr. A.VIDYASAGAR**  
**PRINCIPAL SECRETARY TO GOVERNMENT**

To

The District Collector, SPS Nellore

The District Collector, Prakasam (Ongole)

Smt.V.Chenchu Lakshmi,

APO, & Incharge CDPO, ICDS, Project Gudur Rural,

Nellore District, R/o Gudur, Nellore District.

Sri.P.V.Ramana, Advocate to the petitioner

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**Copy to:**

The Director, TCR& TI, AP, Hyderabad.

The CTW, AP, Hyderabad

P.S. to M (TW)

P.S. to Principal Secretary (TW)

SF/SC.

**// FORWARDED :: BY ORDER //**

**SECTION OFFICER**